

siding with liberal human rights activists and Puerto Rican nationals. Eleven FALN terrorists were released from federal prison last Friday.

As you know, Mr. President, I chair the Senate Appropriations Subcommittee on Commerce, Justice, State and Judiciary, which funds the FBI and other law enforcement agencies that are responsible for our Nation's counterterrorism strategy. Over the last few years we have significantly increased the resources available to law enforcement and now have in place for the first time a coordinated, government wide strategy to deter and respond to terrorism. Releasing convicted terrorists before they serve their full sentence sends the wrong message about how our Nation will deal with people who use violence to achieve their political objectives.

There is no question that the President has the authority under the Constitution to grant pardons and reprieves for offenses against the United States. Once a pardon or clemency offer is official, no one can reverse or overturn the decision, not even the Congress or the Supreme Court. Given the magnitude of this power, the question that should be asked is why the President would use it to give convicted terrorists an early release from prison, especially the fact that President Clinton has reduced sentences in only 3 out of 3,042 prior cases.

Hearings will be held in this body and in the House of Representatives in the next few weeks, and they should aggressively question the administration's reasons for this act. These hearings should explore how the clemency offer supports the State Department's antiterrorism policy which states that the United States shall "make no concessions and strike no deals and will bring terrorists to justice for their crimes."

The primary argument for clemency appears to be that none of the 16 FALN members were directly involved in any of the bombings. However, almost all of them were convicted for seditious conspiracy—the purpose of which was to wage a campaign of terror against the United States Government. Osama bin Laden may not have lit the fuse that detonated the bomb, but his participation in a conspiracy to commit these acts would be enough to incarcerate him for life. In addition, the Clinton administration contradicts its tough stance on gun violence by releasing these terrorists, almost all of whom were convicted of various gun violations, including armed robbery.

Another explanation floated by the administration is that the sentences are too stiff. The President's early release certainly changes that. Eleven of the convicted FALN members are now free. Two others will serve additional time, and three others will be released from paying the remainder of their criminal fines. However, the sentencing judge's decision to order maximum prison terms was based on the

evidence in the case and the fact that none of the FALN members showed any remorse for their acts at the time of sentencing. One sentencing judge indicated that he would have ordered the death penalty for one of the terrorists who showed no regret for his acts, but it was unavailable as an option. It is presumptuous for the President to grant clemency on the grounds that the federal judge who heard the testimony and saw the evidence firsthand imposed a sentence that was too severe.

In fact, Oscar Lopez-Rivera, one of the FALN terrorists that President Clinton offered to release early, had this to say in an interview with the Associated Press last year,

I have no regrets for what I've done in the Puerto Rico independence movement . . . This onus is not on us. The crime is colonialism. . . . If Puerto Rico was not a colony of the United States, I would have had a totally different life.

Mr. Lopez-Rivera was convicted of numerous charges, including weapons violations and conspiracy to transport explosives with intent to destroy government property.

Our judicial system also provides an absolute right of appeal for criminal convictions. Superseding the judicial system should be reserved for cases in which the facts are clear and the benefits of release outweigh the dangers. That balancing test is not met in this case.

Many people have speculated that the President's decision was an effort to woo the large Puerto Rican constituency in New York where Mrs. Clinton is likely to run for the U.S. Senate. It is not too much to imagine that the Clinton administration would jeopardize our national security to court potential voters based on their record of politicizing federal agencies, so I believe it should be examined during congressional hearings as a possible motivating factor.

One of our government's primary responsibilities is to safeguard the freedom and liberty of its people. Given the growing terrorist threat around the world, now is not the time to go easy on convicted terrorists. Over 700 people died last year and more than 6,000 were wounded from the embassy bombings in Kenya and Tanzania last year. The World Trade Center bombing and the Oklahoma City bombing are fresh reminders of the violence that can be wrought by terrorists. Releasing terrorists before they serve their full sentence sends the wrong message and undermines our nation's tough stance against terrorism.●

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains on this debate?

The PRESIDING OFFICER. There are 39 minutes remaining, with 16½ minutes remaining on the Senator's side.

THE REMAINING SENATE BUSINESS

Mr. DURBIN. Mr. President, one of the items previously discussed deserves further exploration; that is, the whole question of what we are going to do in the closing weeks to meet the Senate's obligation to the people of this country, to deal with the most basic responsibilities of this Chamber.

The most basic responsibility, of course, is to meet and pass the spending bills necessary for the orderly operation of the Federal Government. For those who are not students of the process, the fiscal year that we work under starts on October 1, and we are supposed to pass 13 different spending bills so that come October 1, the actions of Government can continue their business. This is our ordinary responsibility.

So we meet on September 14 to discuss a lot of issues of importance. But the American people have the right to ask us what we have done about our basic responsibility to pass the spending bills for the next year. The honest answer is, of 13 bills, we have only passed and had signed into law one bill, and that is the military construction bill. All of the other activities of the Federal Government, frankly, are still in play. They are being debated on Capitol Hill. It is a sad commentary on those who manage the House and the Senate that we have not made more progress. In fact, closer inspection suggests to us that there are some serious problems ahead.

Anyone who followed the proceedings last year knows that a similar situation led to a mountainous piece of legislation called a continuing resolution. If I am not mistaken, it was some 10,000 pages long and it was literally dropped in our laps with 48 hours to go and we had to read it, vote yes or no to continue the operations of Federal Government, and go home or stay here. It was chaotic.

At a time when we have a Federal Government and a Congress with a responsibility, a staff and resources, it is hard to imagine we are about to repeat that scenario of last year. But it looks as if we are headed in that direction.

The sad fact is that one of the more sinister games being played is that one of the most important spending bills for American families—the bill that contains, for example, education spending for the United States of America—is being held hostage as the last spending bill which we are going to consider. As each appropriations bill that needs money comes along, it is taken from this education and health bill and put into another bill.

The day of reckoning is upon us in the not-too-distant future where we will face the possibility of another continuing resolution.

I am disappointed the Senate has not responded to the challenge by the President in his State of the Union Address and, frankly, challenge by the people of this country to address some

of the serious problems which we face. Instead, we find ourselves tangled in a weave of budgetary deception where the suggestion has been made this morning that there is going to be an extension of the fiscal year to make it 13 months long as opposed to 12 months.

I believe it was Pope Gregory who came up with this calendar which we now use across the world. Now we have a suggestion that is part of their effort to extricate themselves from this budgetary maelstrom. The Republicans are going to somehow construct a 13-month calendar. I will not go into all the possibilities that were mentioned in the earlier debate, but I will say that it is, frankly, evidence of their failure to lead in the Senate and the House of Representatives because we are in the closing weeks of the fiscal year not having met our obligation to manage the Government and do it in an efficient manner.

The President came to us many months ago in his State of the Union Address suggesting some changes which we should consider in education in America. I am sorry to report that, to my knowledge, there has been no hearings on the President's proposals, nor is there any likelihood that the budgetary bills coming before us in the closing hours of the session will even address these changes in education. Most of these changes are widely accepted and embraced by the American people. Yet we find the Republican majority in both the House and the Senate refusing to even consider them.

The idea of increasing the number of teachers across America so classroom size is reduced is one that every parent understands. You walk into a classroom of 30 kindergartners and one of them is your child. You pray to God there will be a few minutes each day where the teacher might be able to pay special attention to your son's or daughter's particular problems. The same is true in the first, second, and third grades when children are learning the basics in terms of math and reading and such things that will build their education for the future.

The plebiscite President said 100,000 new teachers and reduce classroom size across America and we will have better students, better graduates, a better workforce, and a better country. The American people said: We agree. Do something about it. As we stand here in September of 1999, 8 or 9 months later, nothing has been done—nothing.

The President has already said—and I think he is right—address the needs to modernize classrooms across America.

We had a press conference in Illinois last week in Farmington, a small town near Peoria.

The school there was built in 1908. It is one of those battleship schools. I attended similar schools that reflect the turn of the century commitment to education in America. However, the school needs help. It needs a new fire escape. It needs new electrical service.

It needs to be equipped for computers. It needs the basics.

It is not alone. There are schools across America in need of modernization. New schools need to be built. There will be more students than there will be classrooms. Will we help school districts across America? Will this Congress rally, as the President has asked, to help the school districts? The honest answer is no. We have not had any show of will by the Republican majority to even address this. When we bring it up, they say: There you go again, another new program.

Does this strike anyone listening to the debate as a radical suggestion, that our Federal Government lend a helping hand to school districts across America so schools are safer, that they are more modern, that in the 21st century kids have a better chance to learn? The honest answer is, that is not radical; that is as basic as it gets in the United States of America.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. BOXER. I hate to break into the flow of thought, but in listening to my friend from Illinois I am wondering if he is aware that the first President to call attention to the needs of education in modern American history happened to be a Republican named Dwight Eisenhower. Is my friend familiar with his National Defense of Education Act?

Mr. DURBIN. Yes.

Mrs. BOXER. I think it is an important point.

We have a Republican Party today in this Senate that is blocking the Senate from taking action, as my friend has stated, on the 100,000 teachers, on school construction, on afterschool, which they say they support in one vote, and when it comes to putting money down, they are not there.

My friend says they call it "radical." President Eisenhower, when I was a youngster in the 1950s, said we could have all the missiles in the world on our side, we could have all the bombs and all the military people, but if we didn't have an educated workforce that understood how to use the equipment, if we didn't have an educated workforce to be productive, America wouldn't be what she must be, the leader of the free world.

I merely interrupted my friend to ask him if he recalled that interesting fact, when Dwight Eisenhower said we had to do something as a Federal Government. Some people said, wait a minute, education is a State matter. He made a couple of points: A, you can't be a strong leader if you don't have educated kids; B, the States can't do everything; they need Congress to come in when there is a national problem. We can't come in for every little thing, but if we don't have enough teachers, that is a national problem. Afterschool is a national problem; early education, a national problem.

The States are saying they need our help.

I yield back to my friend. I would love to hear his comments on the irony of this modern-day Republican Party and this Senate essentially turning against what a wonderful Republican President of the United States, Dwight Eisenhower, said about education.

Mr. DURBIN. I thank the Senator from California.

The fact of the matter is, I managed to complete college because of the National Defense of Education Act, a bill passed by Congress, signed by President Eisenhower, that allowed me as a student from a working family to borrow money from the Federal Government to pay my college education and pay it back over 10 years at 3 percent interest. What a deal. I would sign up for it again.

I hope those who were supporting it and reflecting on it believe that investment in this kid from East St. Louis and a lot of other children like me paid off for the country in the long haul.

I think President Eisenhower and Congress were correct in calling this the national defense. When you talk about the national defense of America, I think it has a lot more to do with the people who live here than the hardware we purchase. The investment in education is such an investment. Think back to the turn of the century. If you had to go back 100 years and ask, Will America be a dominant country in the 21st century, most would guess no because in the 19th century we were a minor power.

The European powers captured the attention of the world. We made some threshold decisions at the turn of the century that made a difference. I love this statistic: Between 1890 and 1920, on average, we built one new high school every day in America. For 30 years, a new high school was built every day in towns across the country—no Federal mandate, just the understanding that if you had a town that was worth its salt, it would have a high school. High school wasn't just for rich kids; high school was for all kids. The kids of immigrants, the kids of farmers, and the kids of small business people all went to school together in a public school system.

What happened? We went from 6 percent of 17-year-olds graduating high school in 1900 to 1930, 30 percent, and today, over 75 percent. Make no mistake, that commitment by America to education, which created high schools, which were then called "people's colleges" because this was a chance for education beyond the eighth grade for just average kids, led to college education and a dramatic increase in the number of scientists, engineers, and doctors. It took America from Kitty Hawk to the space program.

The obvious question is, Do we have the same commitment to education in the future that the leaders in the 19th century, looking to the 20th century, had? I don't hear it as I listen to the debate in the Congress. I don't hear men and women of vision standing up

and saying in the 21st century our kids will have the same opportunities.

There are some things we have to commit ourselves to as a nation. That isn't being done here. Instead, we languish in this debate, lost in the minutiae about local control and forgetting the big picture. The American people expect Congress to understand the challenges our Nation faces for the next century. It is not reflected in the debate on the budget or in the appropriations bills.

We have talked about school modernization, we talked about smaller classroom sizes in K through 4. Let me discuss another critically important topic: Quality teachers, men and women who will become professional teachers who are good at it—not to take what is left over from college or high school, but to take the very best and brightest and put them in a classroom to spark in each kid that feeling of creativity and learning which those who are blessed to have such teachers have experienced. Yet we don't have that commitment.

The President has said: Invest in teachers. Make sure they have a chance to have their skills improved. Hold them accountable for what they do in a classroom. But make sure to bring these young men and women into the teaching profession.

We can turn on the television almost any night and see the exposés about education in America where, unfortunately, some people are in classrooms and they shouldn't be there. The vast majority of teachers are good, hard-working men and women. We can help them improve their skills and keep those who are not good out of the classroom with a commitment in Washington that we just haven't seen during the course of this year.

The last point I will make is on after-school programs. I have been mystified by the fact we are still caught up in a mindset that is, frankly, old fashioned, a mindset that says children start school at the age of 6 and school lets out at 2:30 or 3:00 in the afternoon and we take 3 months off in the summer. This might have made sense at some point in time. It doesn't make sense in today's America. Six years of age is a good age to put a child in a classroom, but 5 is better; 4 may even be better. There might even be learning experiences for those younger who are now in a day-care setting.

Ask any teacher, if they could add a year in education, where would they add it. It isn't at the end of 12th grade but at the beginning, kindergarten or before. The teachers say: Give me a chance to mold that child before they come into the classroom, and I will show you a better person and a better student.

Yet our commitment to preschool programs, our commitment to programs for the earliest ages, just isn't there. We ignore it. We act as if it isn't a reality. We know it is. A younger child in a learning situation is a child more likely to be a good student.

Classrooms adjourning each day at 2:30 or 3 o'clock in the afternoon made sense when Ozzie and Harriet were at home with milk and cookies waiting for the kids, but not in today's America. More parents are working; kids are going home to empty houses and getting in trouble after school.

One might ask, Why doesn't the schoolday reflect the family day where parents might get home at 5:30, 6 o'clock, or after? Some schools adjust to that. Some schools provide that. Some schools need help. We have yet to come up with any suggestion here on Capitol Hill about afterschool programs responsive to the needs of today's working families. I suppose taking summer vacations off was an idea that made sense in my home State of Illinois. After all, the kids did have to go work on the farm. But out of a State of 12 million people, we only have 75,000 farm families. Those children should be in another learning experience, another supervised experience so they are better students. If they are falling behind in reading and math, let them have remedial work during the summer. If they are good students, give them enrichment courses, teach them a musical instrument, or something new about science. Introduce them to computers. All the options and possibilities are there. Yet when you bring that up on Capitol Hill, you would think you were speaking a foreign language. People just cannot quite understand what we have to do with it.

I think we have a lot to do with it. That this Congress has been so derelict when it comes to the issue of education is a suggestion to me that we just don't get it. We are not listening to American families who identify education as their highest priority. We certainly are not reading history, which tells us education made the 20th century the American century because of our commitment to education.

Make no mistake about it; other countries around the world, in Europe, in parts of Asia, are starting to move forward. These are tomorrow's competitors. These are the people with whom our children will have to be ready to do business and with whom they will have to compete. If we are not prepared, they will pass us by. I don't want to see that happen to my children. I don't want to see that happen to this country.

The honest question we have to ask ourselves is, Does Congress get that message? If you look at the budget debate, it is pretty clear to me we have missed the point completely. We are now entangled in this terrible budget debate with the President. Thank goodness the Republican Party has abandoned this \$750 billion or \$800 billion tax cut for wealthy people. They took that out in August. They were going to go home with it and explain to the American people why this was the real important thing to do for America's future. It fell on its face. It had about as much popularity as the new Coca-Cola.

They came back and said: We have given up on that idea. Maybe we will do it next year.

I hope they have walked away from it. But in abandoning that bad idea, why don't they pick up on a good idea like education? Why don't they join us in making certain the education funding bill is one that really is a source of pride rather than a source of embarrassment. At this point, unfortunately, we have seen that bill delayed. There have been absolutely no hearings on it and absolutely no effort being made, no initiative being shown, when it comes to improving education for the next generation.

I think the American people rightly give us that responsibility and ask us to meet it. It is a responsibility that should be shared on a bipartisan basis. The things I have suggested are not radical Democratic ideas. The things I have suggested I think would appeal to families of Democrats, Republicans, and Independents—all families who care about the future of their children.

I yield the floor hoping the debate soon will turn to these issues such as education, issues which most American families consider to be one of our highest priorities.

DEPLORING THE ACTIONS OF PRESIDENT CLINTON REGARDING GRANTING CLEMENCY TO FALN TERRORISTS—Continued

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Will the Chair advise the Senator the order of business?

The PRESIDING OFFICER. It is S.J. Res. 33.

Mr. COVERDELL. This is the resolution by Mr. LOTT, myself, and Mr. BROWNBACK, deploring the actions of the President of the United States regarding the granting of clemency to terrorists called FALN?

The PRESIDING OFFICER. That is supposed to be the order, yes.

Mr. COVERDELL. I thought it was interesting to make note of the business before the Senate at this moment. With that in mind, I yield up to 5 minutes of our time to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to talk about the business that is before the Senate because I think this is critically important. There were a number of allegations made in the last speech that I think deserve to be refuted, but what is presently before us, what has taken place, is something that needs to be addressed before the American public.

I rise in support of the resolution condemning the President's actions in granting clemency to 16 terrorists. I want to be clear what I am talking about: 16 terrorists who were members of the Armed Forces of National Liberation, FALN. The President's condition for releasing these men was that